



DPF 2162  
LTFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8009

Kehsing J. CHOU, *et al.*

Appln. No.: 09/399,682

Group Art Unit: 2162

Confirmation No.: 2544

Examiner: Hung Q. Pham

Filed: September 21, 1999

For: ARCHITECTURE TO ENABLE SEARCH GATEWAYS AS PART OF FEDERATED SEARCH

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**  
**UNDER 37 C.F.R. § 1.705(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant received a Determination of Patent Term Adjustment ("PTA") under 35 U.S.C. § 154(b) along with the February 8, 2006, Notice of Allowance for the above captioned Application. The Determination indicated that the patent term adjustment under 35 U.S.C. § 154(b) is 246 days.

Subsequently, Applicant received an Issue Notification that indicated that the PTA would be reduced to 155 days. Applicant reviewed the PTA as disclosed on the USPTO's Patent Application Information Retrieval System (PAIR) and discussed the PTA with the USPTO's representative at the Office of Patent Legal Administration. The PTA calculation retrieved from the PAIR system and the representative at the USPTO indicated that the filing of a "Miscellaneous Incoming Letter" on May 8, 2006 prompted the reduction in the PTA. However,

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the “Miscellaneous Incoming Letter” was a Statement of Good Faith which should not have resulted in a PTA reduction.

In particular, the filing of a Good Faith Statement, which is required under 37 C.F.R. § 1.705, if an attorney notices a discrepancy in the PTA, should not result in PTA reduction. See MPEP 2733 (“If a registered practitioner receives a notice of allowance with a patent term adjustment that is longer than expected, the practitioner should disclose the error to the Office in compliance with the practitioner's duty of candor and good faith in practice before the Office”); 37 C.F.R. § 1.705 and 65 FR 56365 (Sept. 18, 2000), comment 34.

Further, the “Clarification of 37 C.F.R. § 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed,” 1247OG111 (6/26/01), does not list a Statement of Good Faith, which is required under a practitioner's duty of candor and good faith in practice before the Office, as an example of a submission after a Notice of Allowance which would cause substantial interference and delay in the patent issue process.

Accordingly, Applicant respectfully submits that the filing of a Good Faith Statement on May 8, 2006 should not have resulted in a PTA deduction. Consequently, the PTA should be **275 days** (PTO delay of 326 days minus Applicant delay of 171 days).

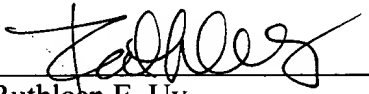
This request is timely filed within two months from the issue date the patent (September 26, 2006) which indicates a revised patent term adjustment relative to the patent term adjustment indicated on the notice of allowance.

**Request for Reconsideration of Patent  
Term Adjustment under 37 C.F.R. § 1.705(d)  
U.S. Appln. No. 09/399,682**

**Attorney Docket No.: A8009**

The USPTO is directed and authorized to charge the statutory fee of \$200.00 is attached (under 37 C.F.R. §1.705(d)), and/or all required fees, including any fee required for the instant petition to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted



Ruthleen E. Uy  
Registration No. 51,361

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 20, 2006

Patent Application Information Retrieval □

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Application Number **SUBMIT** [Order Certified Application As Filed](#)[Order Certified File Wrapper](#)[View Order List](#) 09/399,682 ARCHITECTURE TO ENABLE SEARCH GATEWAYS AS PART OF FEDERATED SEARCH 

Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Published Documents	Fees	Publication Dates	Address & Attorney/Agent
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**Patent Term Adjustment**

Filing or 371(c) Date:	09-21-1999	USPTO Delay (PTO) Delay (days):	326
Issue Date of Patent:	09-26-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	171
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	155
USPTO Adjustment(days):	+0	<a href="#">Explanation Of Calculations</a>	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
09-26-2006	Patent Issue Date Used in PTA Calculation	29	
08-28-2006	Dispatch to FDC	↑	
05-08-2006	Miscellaneous Incoming Letter		120
05-05-2006	Application Is Considered Ready for Issue		↑
04-28-2006	Issue Fee Payment Verified		↑
04-28-2006	Issue Fee Payment Received		↑
02-08-2006	Mail Notice of Allowance	265	
02-06-2006	Notice of Allowance Data Verification Completed	↑	
02-06-2006	Case Docketed to Examiner in GAU	↑	
10-06-2005	Case Docketed to Examiner in GAU	↑	
09-24-2005	Date Forwarded to Examiner	↑	
07-15-2005	Supplemental Response	↑	
05-10-2005	Notice of Appeal Filed	↑	
05-10-2005	Request for Extension of Time - Granted	↑	
02-16-2005	Mail Advisory Action (PTOL - 303)	↑	
02-16-2005	Advisory Action (PTOL-303)	↑	
02-09-2005	IFW TSS Processing by Tech Center Complete	↑	
02-09-2005	Date Forwarded to Examiner	↑	
01-19-2005	Amendment after Final Rejection	↑	
01-19-2005	Workflow incoming amendment IFW		
11-19-2004	Mail Final Rejection (PTOL - 326)	32	
11-15-2004	Final Rejection	↑	

10-16-2004	Date Forwarded to Examiner	↑	
06-18-2004	Response after Non-Final Action	↑	
10-06-2004	Case Docketed to Examiner in GAU		
06-18-2004	Workflow incoming amendment IFW		
04-06-2004	Mail Non-Final Rejection		
04-05-2004	Non-Final Rejection		
02-02-2004	Date Forwarded to Examiner		
01-23-2004	Request for Continued Examination (RCE)		29
02-02-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	↑	
01-23-2004	Request for Extension of Time - Granted	↑	
01-23-2004	Workflow - Request for RCE - Begin	↑	
01-05-2004	Mail Advisory Action (PTOL - 303)	↑	
01-05-2004	Advisory Action (PTOL-303)	↑	
12-31-2003	Date Forwarded to Examiner	↑	
12-15-2003	Amendment after Final Rejection	↑	
09-25-2003	Mail Final Rejection (PTOL - 326)	↑	
09-22-2003	Final Rejection		
09-08-2003	Case Docketed to Examiner in GAU		
07-15-2003	Date Forwarded to Examiner		
07-10-2003	Response after Non-Final Action		22
04-10-2003	Mail Notice of Restarted Response Period	↑	
04-10-2003	Letter Restarting Period for Response (i.e. Letter re: References)	↑	
03-18-2003	Mail Non-Final Rejection	↑	
03-10-2003	Non-Final Rejection		
01-07-2003	Date Forwarded to Examiner		
01-02-2003	Response after Non-Final Action		
10-09-2002	Mail Non-Final Rejection		
10-07-2002	Non-Final Rejection		
07-30-2002	Date Forwarded to Examiner		
07-24-2002	Response after Non-Final Action		
05-23-2002	Mail Non-Final Rejection		
05-20-2002	Non-Final Rejection		
04-03-2002	Date Forwarded to Examiner		
04-02-2002	Continuing Prosecution Application - Continuation (ACPA)		
04-03-2002	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
04-02-2002	Workflow - Request for CPA - Begin		

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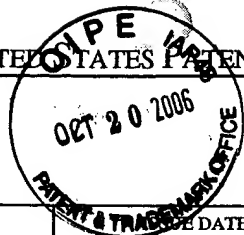
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- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).

- *If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.*



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APPLICATION NO.	FILING DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,682	09/26/2006	7113939	A8009	2544

7590

09/06/2006

SUGHRUE MION ZINN MACKPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037-3213

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment is 155 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

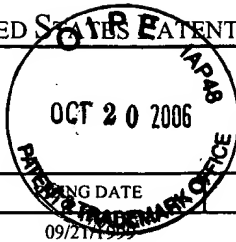
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MIMI PHUONG-THAO VO, SAN JOSE, CA;  
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MAW



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,682	09/21/1999	KEHSING J. CHOU	A8009	2544

7590

02/08/2006

SUGHRUE MION ZINN MACKPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037-3213

EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 02/08/2006

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 246 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 246 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.





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For: ARCHITECTURE TO ENABLE SEARCH GATEWAYS AS PART OF FEDERATED SEARCH

**STATEMENT**

**MAIL STOP AF**

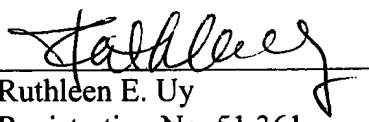
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant has reviewed the Patent Term Adjustment (PTA) for the above-identified application which was included in the Notice of Allowance dated February 8, 2006, and pursuant to MPEP 2733, Applicant notes that there appears to be some inconsistencies with respect to the PTA.

Respectfully submitted,

SUGHRUE MION, PLLC  
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Ruthleen E. Uy  
Registration No. 51,361

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: May 8, 2006

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